

REMARKS

Claims 1, 5, 6, 12, 13, 15-18, 20-23, 31, 32, 34-37 and 54-57 are pending in the present application. Claims 54-57 are canceled herein, without prejudice. Claims 1, 18, 31, and 34 are amended to incorporate the limitations of claims 54, 55, 56 and 57, respectively. No new matter has been added by these amendments. Upon entry of this response, claims 1, 5, 6, 12, 13, 15-18, 20-23, 31, 32, 34-37 will be pending.

The Rejections Under 35 U.S.C. § 102(e) Should Be Withdrawn

Claim 1 is rejected under 35 U.S.C. § 102(e) as allegedly anticipated by Strom *et al.*, U.S. Publ. No. 2003/0235563 ("Strom"). Office Action, at page 3. Claims 1, 5, 6, 12, 13, 15-18, 20-23, 31, 32, and 34-37 are rejected under 35 U.S.C. § 102(e) as allegedly anticipated by Casper *et al.*, U.S. Publ. No. 2005/0074435 ("Casper"). Office Action, at pages 3-4.

Without conceding the propriety of these rejections, claims 1, 18, 31, and 34 are amended herein to incorporate the limitations of claims 54, 55, 56 and 57, respectively, which are not rejected on this basis. As such, claims 1, 18, 31, and 34 as amended are novel in view of the cited art. Moreover, because claims 5, 6, 12, 13, 15-17, 20-23, 32 and 35-37 depend from claim 1, 18, 31, or 34, these claims are also novel in view of the cited art.

The Provisional Double Patenting Rejection Should Be Withdrawn

Claims 1, 5, 6, 12, 13, 15-18, 20-23, 31, 32, 34-37 and 54-57 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 71-93 of copending U.S. Application No. 11/592,544. Office Action, at pages 4-5. Claims 54-57 are canceled herein, thus mooted this rejection with respect to these claims. With respect to claims 1, 5, 6, 12, 13, 15-18, 20-23, 31, 32 and 34-37, Applicant traverses as follows.

The Manual of Patent Examining Procedure ("MPEP") states that "[i]f a 'provisional' nonstatutory obviousness-type double patenting (ODP) rejection is the only rejection remaining in the earlier filed of the two pending applications, while the later-filed application is rejectable on other grounds, the examiner should withdraw that rejection and permit the earlier-filed application to issue as a patent without a terminal disclaimer." See MPEP § 804(I)(B)(1), at page 800-17. The present application was filed earlier than application 11/592,544. It is believed that the pending claims, as currently amended, overcome the 35 U.S.C. § 102(e) rejection. As Applicant estimates that upon entry of the present Amendment, this provisional rejection will be the only rejection

remaining in the present application, Applicant respectfully requests that this provisional rejection be withdrawn.

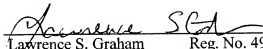
CONCLUSION

Applicant respectfully requests that the present amendments and remarks be made of record in the file history of the present application. An early allowance of the application is earnestly requested. Although Applicant believes that no fee is due for the filing of this paper, the Commissioner is hereby authorized to charge any fee(s) deemed to be due, or to refund any overpayment, to Jones Day Deposit Account No. 503013, referencing our number 501872-999494.

The Examiner is invited to contact the undersigned with any questions concerning the application.

Respectfully submitted,

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